

11/09/01



Frederick P. Fish
1855-1930

W.K. Richardson
1859-1951

12-10-01
FISH & RICHARDSON P.C.

November 9, 2001

Attorney Docket No.: 13441-002001

Box Patent Application
Commissioner for Patents
Washington, DC 20231

4350 La Jolla Village Drive
Suite 500
San Diego, California
92122

Telephone
858 678-5070

Facsimile
858 678-5099

Web Site
www.fr.com



FR

BOSTON

DALLAS

DELAWARE

NEW YORK

SAN DIEGO

SILICON VALLEY

TWIN CITIES

WASHINGTON, DC

Presented for filing is a new original patent application of:

Applicant: VLAD NOVOTNY, YEE-CHUNG FU AND ZUO WANG

Title: MICRO-ELECTRO-MECHANICAL VARIABLE OPTICAL
ATTENUATOR

Enclosed are the following papers, including those required to receive a filing date
under 37 CFR §1.53(b):

	<u>Pages</u>
Specification	39
Claims	12
Abstract	1
Declaration	2
Drawing(s)	24

Enclosures:

- New disclosure information, including:
Information disclosure statement, 2 pages.
PTO-1449, 1 pages.
References, 3 items.
- Assignment cover sheet and an assignment, 2 pages, and a
separate \$40 fee.

CERTIFICATE OF MAILING BY EXPRESS MAIL

Express Mail Label No. EL858853154US

I hereby certify under 37 CFR §1.10 that this correspondence is being
deposited with the United States Postal Service as Express Mail Post
Office to Addressee with sufficient postage on the date indicated below
and is addressed to the Commissioner for Patents, Washington,
D.C. 20231.

November 9, 2001

Date of Deposit

Signature

Gabriel Lewis

Typed or Printed Name of Person Signing Certificate

FISH & RICHARDSON P.C.

Commissioner for Patents

November 9, 2001

Page 2

— Request for Nonpublication.

— Postcard.

Basic filing fee	\$370
Total claims in excess of 20 times \$9	\$126
Independent claims in excess of 3 times \$42	\$42
Fee for multiple dependent claims	\$0
Total filing fee:	\$538

This application is entitled to small entity status

A check for the filing fee is enclosed. Please apply any other required fees or any credits to deposit account 06-1050, referencing the attorney docket number shown above.

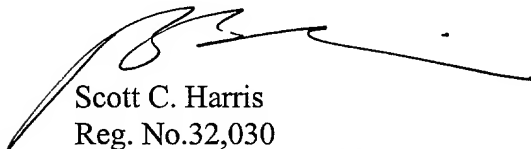
If this application is found to be incomplete, or if a telephone conference would otherwise be helpful, please call BING AI at (858) 678-5070.

Kindly acknowledge receipt of this application by returning the enclosed postcard.

Please send all correspondence to:

SCOTT C. HARRIS
Fish & Richardson P.C.
PTO Customer No. 20985
4350 La Jolla Village Drive, Suite 500
San Diego, California 92122

Respectfully submitted,



Scott C. Harris
Reg. No.32,030
Enclosures
BXA/sxg
10146539.doc

BING AI
REG. NO 43,312

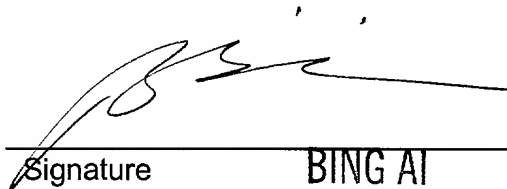
**REQUEST AND CERTIFICATION
UNDER
35 U.S.C. 122(b)(2)(B)(i)**

First Named Inventor	Vlad Novotny et al.	
Title	MICRO-ELECTRO-MECHANICAL VARIABLE OPTICAL ATTENUATOR	
Atty Docket Number	13441-002001	

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

November 9, 2001

Date


Signature

BING AI
REG. NO 43,312

Scott C. Harris, Reg. No. 32,030

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**